

ESTTA Tracking number: **ESTTA708718**

Filing date: **11/16/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Jeffrey Stamler		
Entity	Individual	Citizenship	United States
Address	7916 Evolutions Way Suite 200 Trinity, FL 34655 UNITED STATES		

Attorney information	Omari Sinclair 7916 Evolutions Way Suite 200 Trinity, FL 34655 UNITED STATES osinclair@halocigs.com		
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Applicant Information

Application No	86641664	Publication date	10/20/2015
Opposition Filing Date	11/16/2015	Opposition Period Ends	11/19/2015
Applicant	EVOXE LABORATORIES, LLC 14545 S MILITARY TRAIL #319 Delray Beach, FL 33484 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges; Cartridges sold filled with vegetable glycerin for electronic cigarettes; Mechanical electronic cigarettes


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4591059	Application Date	11/27/2012
Registration Date	08/26/2014	Foreign Priority Date	NONE
Word Mark	EVO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 2010/11/01 First Use In Commerce: 2010/11/01 Cartridges sold filled with propylene glycol for electronic cigarettes Class 030. First use: First Use: 2010/11/01 First Use In Commerce: 2010/11/01 Chemical flavorings in liquid form used to refill electronic cigarette cartridges

U.S. Registration No.	4631686	Application Date	03/16/2014
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	EVO VAPOR		
Design Mark			
Description of Mark	The mark consists of the stylized gold word "EVO" with black shading above a smaller stylized gold word "VAPOR" with black shading that is slightly to the bottom right of the larger word. Surrounding both words are black and white shaded half moons.		
Goods/Services	Class 001. First use: First Use: 2011/01/11 First Use In Commerce: 2011/01/11 Electronic cigarette liquid (e-liquid) comprised of propylene glycol; Electronic cigarette liquid (e-liquid) comprised of vegetable glycerin		

U.S. Registration No.	4483273	Application Date	08/30/2011
Registration Date	02/18/2014	Foreign Priority Date	NONE

Word Mark	EVO VAPOR
Design Mark	
Description of Mark	The mark consists of the stylized gold word "EVO" with black shading above a smaller stylized gold word "VAPOR" with black shading that is slightly to the bottom right of the larger word. Surrounding both words are black and white shaded half moons.
Goods/Services	Class 034. First use: First Use: 2010/07/00 First Use In Commerce: 2010/07/00 Electronic cigarettes

Attachments	85788057#TMSN.png(bytes) 86222425#TMSN.png(bytes) 85411046#TMSN.png(bytes) Notice of Opposition (Evoxe2).pdf(100043 bytes) Exhibits Notice of Opposition Evoxe Part 1.pdf(3795179 bytes) Exhibits Notice of Opposition Evoxe Part 2.pdf(3652973 bytes) Exhibits Notice of Opposition Evoxe Part 3.pdf(4002737 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Omari Sinclair/
Name	Omari Sinclair
Date	11/16/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NICOPURE LABS, LLC,

Opposer,

v.

EVOXE LABORATORIES, LLC,

Applicant.

Opposition No:

Serial No: 86641664

NOTICE OF OPPOSITION

Opposer, Nicopure Labs, LLC, a limited liability corporation having its principal place of business at 7916 Evolutions Way, Suite 200, Trinity Pasco Florida 34655, (“Nicopure and/or “Opposer), believes that it will be damaged by registration of the mark showing in Application Serial No. 86641664 by Evox Laboratories, LLC, having a business address of 14545 S. Military Trail #319, Delray Beach, Florida 33484 (“Evox” and/or “Applicant”), in International Class 34 for “electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges; cartridges sold filled with vegetable glycerin for electronic cigarettes; mechanical electronic cigarettes” (“Applicant’s Goods”) and hereby opposes the same and request that the registration to the Application be refused.

As grounds for opposition, Opposer alleges as follows:

1. On May 26, 2015, Applicant filed an application to register the mark EVOXE, in International Class 034, under filing basis Section 1(b), claiming an intent to use the mark in commerce (“Applicant’s Mark”).
2. Opposer is the owner of U.S. Trademark Registration Nos. 4591059, 4631686, 4483273, for the marks EVO® and EVO VAPOR® (collectively “EVO Marks”). Opposer’s

Registered Marks are valid, subsisting, and in full force and effect. Since as early as November 1, 2010, Opposer, has continuously used the EVO Marks in connection with the manufacture, distribution, sale, advertising and promotion in interstate commerce of hi-quality electronic cigarettes (“e-cigs,”) e-liquids, vaporizers and all related components (“Opposer’s Goods”), long prior to Applicant’s filing date. Opposer has attached a copy of the Federal Registrations for the EVO Marks hereto as Exhibit “A”.

3. Opposer has made substantial investment in advertising and promoting their goods under the EVO Marks since their initial use. And by virtue of its sales of products bearing the EVO Marks in interstate commerce, its expenditures of considerable sums for promotional activities and the excellence of its products, Opposer has developed significant goodwill in its EVO Marks and a valuable reputation.

4. Opposer’s trademarks rights for the EVO Marks have priority over Applicant’s Mark, inasmuch as Opposer has continuously used the EVO Marks since it commenced use of the Marks, and Applicant’s application lists a filing date of May 26, 2015, and is listed as an intent-to-use application.

5. Applicant’s Mark so resembles the EVO Marks that have been used and are currently used, as to be likely to cause confusion, or cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), when used on or in connection with Applicant’s Goods.

6. Applicant’s Goods are closely related to those of Opposer, since both Applicant’s Goods and Opposer’s products are related to e-cigarette and e-liquid products.

7. On information and belief, Applicant uses or intends to use Applicant’s Mark on goods or services that travel in the same or similar channels of trade as goods or services sold or

offered by Opposer.

8. Opposer is not affiliated in any manner with Applicant and Opposer has not authorized Applicant's use or application to register its EVOXE mark.

9. Opposer, upon information and belief, avers that its customers, and the general public, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods of Application Serial Number 86641664 to be marketed under Applicant's proposed EVOXE mark and misled into believing that such goods emanate from, are licensed by, or are in some way directly or indirectly associated with, approved by or sponsored by Opposer, to the damage and detriment of Opposer and its reputation.

10. Opposer, upon information and belief, avers that it will be damaged by the registration by Applicant of the proposed EVOXE trademark, as set forth in Applicant's Trademark Application Serial No. 86641664, in that the mark is substantially similar to Opposer's EVO Marks and will be used in connection with goods that, as described in Applicant's application, would directly compete with Opposer's own e-liquid and e-cigarette products offered to the public by Opposer.

11. Opposer, upon information and belief, also avers that it will be damaged by the registration by Applicant of the proposed EVOXE trademark, as set forth in Applicant's Trademark Application Serial No. 86641664, in that the alleged mark will dilute the distinctiveness of Opposer's famous EVO Marks within the meaning of the provisions of the Federal Trademark Dilution Act, as amended by the Trademark Revision Act of 2006.

12. Wherefore, Nicopure believes and avers that it is being and will continue to be damaged by registration of the proposed EVOXE trademark as aforesaid, prays that Trademark Trial and Appeal Board sustain this opposition and refuse to register Application Serial No. 86641664 with prejudice.

Respectfully Submitted,

NICOPURE LABS, LLC

Date: November 16, 2015

/s/ Omari Sinclair

Omari Sinclair

Florida Bar No. 89668

osinclair@halocigs.com

Matthew J. Ryan

Florida Bar No. 16232

mryan@halocigs.com

NICOPURE LABS, LLC

7916 Evolutions Way, Suite 200

Trinity, Florida 34655

(888) 425-6649 (Telephone)

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NICOPURE LABS, LLC,

Opposer,

v.

EVOXE LABORATORIES, LLC,

Applicant.

Opposition No:
Serial No: 86641664

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the following by mailing said copy on November 16, 2015, via Priority Mail, postage prepaid, to Applicant at its correspondence address of record:

LILLIAN TAYLOR STAJNBAHER
LERNER GREENBERG STEMER LLP
P.O. BOX 2480
HOLLYWOOD, FLORIDA 33022-2480
UNITED STATES

/s/ Omari Sinclair
Omari Sinclair

EXHIBIT A

United States of America

United States Patent and Trademark Office



Reg. No. 4,631,686

Registered Nov. 4, 2014

Corrected Jan. 20, 2015

Int. Cl.: 1

TRADEMARK

PRINCIPAL REGISTER

NICOPURE LABS, LLC (FLORIDA LIMITED LIABILITY COMPANY)
5909 NW 18TH DR.
GAINESVILLE, FL 32653

FOR: ELECTRONIC CIGARETTE LIQUID (E-LIQUID) COMPRISED OF PROPYLENE GLYCOL; ELECTRONIC CIGARETTE LIQUID (E-LIQUID) COMPRISED OF VEGETABLE GLYCERIN, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 1-11-2011; IN COMMERCE 1-11-2011.

OWNER OF U.S. REG. NO. 4,483,273.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VAPOR", APART FROM THE MARK AS SHOWN.

THE COLOR(S) BLACK, GOLD, AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE STYLIZED GOLD WORD "EVO" WITH BLACK SHADING ABOVE A SMALLER STYLIZED GOLD WORD "VAPOR" WITH BLACK SHADING THAT IS SLIGHTLY TO THE BOTTOM RIGHT OF THE LARGER WORD. SURROUNDING BOTH WORDS ARE BLACK AND WHITE SHADED HALF MOONS.

SER. NO. 86-222,425, FILED 3-16-2014.



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,483,273

Registered Feb. 18, 2014

Amended/New Cert. Jan. 27, 2015

Int. Cl.: 34

TRADEMARK

PRINCIPAL REGISTER

NICOPURE LABS, LLC (FLORIDA LIMITED LIABILITY COMPANY)
5909 NW 18TH DR.
GAINESVILLE, FL 32653

FOR: ELECTRONIC CIGARETTES , IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 7-0-2010; IN COMMERCE 7-0-2010.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VAPOR", APART FROM THE MARK AS SHOWN.

THE COLOR(S) GOLD, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE STYLIZED GOLD WORD "EVO" WITH BLACK SHADING ABOVE A SMALLER STYLIZED GOLD WORD "VAPOR" WITH BLACK SHADING THAT IS SLIGHTLY TO THE BOTTOM RIGHT OF THE LARGER WORD. SURROUNDING BOTH WORDS ARE BLACK AND WHITE SHADED HALF MOONS.

SER. NO. 85-411,046, FILED 8-30-2011.



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Evo

Reg. No. 4,591,059

Registered Aug. 26, 2014

Int. Cls.: 1 and 30

TRADEMARK

PRINCIPAL REGISTER

NICOPURE LABS, LLC (NEW JERSEY LIMITED LIABILITY COMPANY)
231 WEST PARKWAY
SUITE 7
POMPTON PLAINS, NJ 07444

FOR: CARTRIDGES SOLD FILLED WITH PROPYLENE GLYCOL FOR ELECTRONIC CIGARETTES, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 11-1-2010; IN COMMERCE 11-1-2010.

FOR: CHEMICAL FLAVORINGS IN LIQUID FORM USED TO REFILL ELECTRONIC CIGARETTE CARTRIDGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-1-2010; IN COMMERCE 11-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-788,057, FILED 11-27-2012.

JAMES STEIN, EXAMINING ATTORNEY



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 2

Serial #: [85788057](#)

Filing Dt: 11/27/2012

Reg #: [4591059](#)

Reg. Dt: 08/26/2014

Registrant: Nicopure Labs, LLC

Mark: EVO

Assignment: 1

Reel/Frame: [5360/0067](#)

Recorded: 09/10/2014

Pages: 14

Conveyance: MERGER AND CHANGE OF NAME EFFECTIVE 09/01/2014

Assignors: [NICOPURE LABS, LLC](#)

Exec Dt: 08/27/2014

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NEW JERSEY

Newly Merged Entity Data

[NICOPURE LABS, LLC](#)

Exec Dt: 08/27/2014

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: FLORIDA

Newly Merged [NICOPURE LABS, LLC](#)Entity's New
Name: 5909 NW 18TH DR.
GAINESVILLE, FLORIDA 32653

Entity Type: CORPORATION

Citizenship: FLORIDA

Correspondent: MARK J. INGBER
374 MILLBURN AVE., STE 301
MILLBURN, NJ 07041

Assignment: 2

Reel/Frame: [5427/0153](#)

Recorded: 12/24/2014

Pages: 16

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE RECEIVING PARTY'S ENTITY TYPE PREVIOUSLY RECORDED AT REEL: 005360 FRAME: 0067. ASSIGNOR(S) HEREBY CONFIRMS THE MERGER AND CHANGE OF NAME.

Assignor: [NICOPURE LABS, LLC](#)

Exec Dt: 08/27/2014

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: NEW JERSEY

Assignee: [NICOPURE LABS, LLC](#)5909 NW 18TH DR.
GAINESVILLE, FLORIDA 32653Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: FLORIDA

Correspondent: MARK J. INGBER
374 MILLBURN AVE., STE 301
MILLBURN, NJ 07041

Search Results as of: 11/16/2015 10:22 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM327282

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT		
NATURE OF CONVEYANCE:	Corrective Assignment to correct the Merged Entity's New Name (Receiving Party) Entity Type: Limited Liability Company: Florida previously recorded on Reel 005360 Frame 0067. Assignor(s) hereby confirms the Merged Entity's New Name(Receiving Party) Entity Type: Corporation: Florida.		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Nicopure Labs, LLC		08/27/2014	LIMITED LIABILITY COMPANY: NEW JERSEY
RECEIVING PARTY DATA			
Name:	Nicopure Labs, LLC		
Street Address:	5909 NW 18th Dr.		
City:	Gainesville		
State/Country:	FLORIDA		
Postal Code:	32653		
Entity Type:	LIMITED LIABILITY COMPANY: FLORIDA		
PROPERTY NUMBERS Total: 7			
Property Type	Number	Word Mark	
Registration Number:	4542918	NICOPURE LABS	
Registration Number:	4458857	NICOPURE	
Registration Number:	4342014	NICOPURE	
Registration Number:	4591059	EVO	
Registration Number:	4483273	EVO VAPOR	
Serial Number:	86222425	EVO VAPOR	
Serial Number:	86165783	EVOPURE	
CORRESPONDENCE DATA			
Fax Number:			
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	973-921-0080		
Email:	ingber.law@verizon.net		
Correspondent Name:	Mark J. Ingber		
Address Line 1:	374 Millburn Ave., Ste 301		
Address Line 4:	Millburn, NEW JERSEY 07041		
NAME OF SUBMITTER:	Mark J. Ingber		
		TRADEMARK	

CH \$190.00 4542918

SIGNATURE:	/Mark J. Ingber/
DATE SIGNED:	12/24/2014
Total Attachments: 12 source=COMPLETE RECORDATION OF MERGER FOR USPTO#page1.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page2.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page3.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page4.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page5.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page6.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page7.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page8.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page9.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page10.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page11.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page12.tif	

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM316548

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	MERGER AND CHANGE OF NAME		
EFFECTIVE DATE:	09/01/2014		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Nicopure Labs, LLC		08/27/2014	LIMITED LIABILITY COMPANY: NEW JERSEY
NEWLY MERGED ENTITY DATA			
Name	Execution Date	Entity Type	
Nicopure Labs, LLC	08/27/2014	LIMITED LIABILITY COMPANY: FLORIDA	
MERGED ENTITY'S NEW NAME (RECEIVING PARTY)			
Name:	Nicopure Labs, LLC		
Street Address:	5909 NW 18th Dr.		
City:	Gainesville		
State/Country:	FLORIDA		
Postal Code:	32653		
Entity Type:	CORPORATION: FLORIDA		
PROPERTY NUMBERS Total: 7			
Property Type	Number	Word Mark	
Registration Number:	4542918	NICOPURE LABS	
Registration Number:	4458857	NICOPURE	
Registration Number:	4342014	NICOPURE	
Registration Number:	4591059	EVO	
Registration Number:	4483273	EVO VAPOR	
Serial Number:	86222425	EVO VAPOR	
Serial Number:	86165783	EVOPURE	
CORRESPONDENCE DATA			
Fax Number:	9739210021		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	973-921-0080		
Email:	ingber.law@verizon.net		
Correspondent Name:	Mark J. Ingber		
Address Line 1:	374 Millburn Ave., Ste 301		

TRADEMARK
REEL: 005427 FRAME: 0155

CH \$190.00 4542918

Address Line 4: Millburn, NEW JERSEY 07041	
ATTORNEY DOCKET NUMBER:	NICOPURE MERGER RECORDING
NAME OF SUBMITTER:	Mark J. Ingber
SIGNATURE:	/Mark J. Ingber/
DATE SIGNED:	09/10/2014
Total Attachments: 12 source=COMPLETE RECORDATION OF MERGER FOR USPTO#page1.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page2.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page3.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page4.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page5.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page6.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page7.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page8.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page9.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page10.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page11.tif source=COMPLETE RECORDATION OF MERGER FOR USPTO#page12.tif	

RECORDATION OF CORPORATE MERGER

WHEREAS, Trident Group, LLC, a limited liability corporation having place of business at 231 West Parkway, Pompton Plains, NJ 07444 (hereinafter referred to as the "Merged Entity") is the record owner of all right, title and interest in and to certain United States trademark applications and registrations (hereinafter referred to as the "Trademarks") identified in Schedule "A" attached hereto; and

WHEREAS, Nicopure Labs, LLC, a New Jersey limited liability corporation having a place of business at 2 Kiel Avenue, Unit 123, Kinnelon, NJ 07405 (hereinafter referred to as "Merged Entity") is the record owner of all right, title and interest in and to certain Trademarks identified in Schedule "B" attached hereto; and

WHEREAS, Nicopure Labs, LLC, a Florida company located at 5909 NW 18th Drive, Gainesville, FL 32653 (hereinafter referred to as the "Surviving Entity", see Certificate of Incorporation attached hereto as "Schedule C") has submitted the Articles of Merger attached hereto in "Schedule D" ; and

WHEREAS, the Surviving Entity has received all of the right, title and interest in and to the Trademarks listed in Schedules A and B pursuant to the Articles of Merger, together with the goodwill of the business symbolized thereby; and

WHEREAS, the parties hereto are desirous of executing a document for purposes of recordation at the USPTO, recording title in and to the Trademarks in the name of Surviving Entity.

NOW THEREFORE, pursuant to the Articles of Merger for Nicopure Labs, LLC filed with the State of New Jersey on August 28, 2014, with an effective date of September 1, 2014, under Certificate Number 133365786 (as seen in Schedule D) the record owner of all right, title and interest in and to certain Trademarks identified in Schedules A and B shall be amended to reflect ownership of the Surviving Entity. Nicopure Labs, LLC, a Florida company located at 5909 NW 18th Drive, Gainesville, FL 32653.

Trident Group, LLC, a New Jersey company



By: Jeffrey Stamler

Managing Member

Date: September 9, 2014

Nicopure Labs, LLC, a New Jersey company



By: Jeffrey Stamler

Managing Member

Date: September 9, 2014

Nicopure Labs, LLC, a Florida company

A handwritten signature in black ink, appearing to read 'Jeffrey Stämmer', is written over a horizontal line.

By: Jeffrey Stämmer

Managing Member

Date: September 9, 2014

SCHEDULE "A"

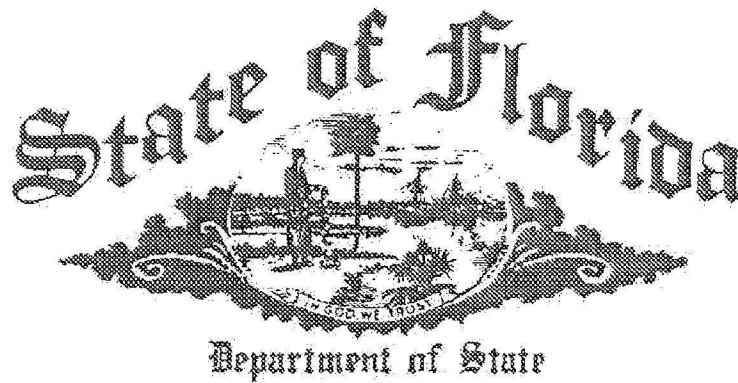
<u>TRADEMARK</u>	<u>REG./SERIAL NOS.</u>	<u>REGISTRATION DATES</u>
HALO	4,535,717	05/27/2014
	4,027,086	09/13/2011
TRIDECA	4,578,981	08/05/2014
	3,975,684	06/07/2011
	4,582,742	08/12/2014
G6	4,566,966	07/15/2014
	4,566,246	07/15/2014
KRINGLE'S CURSE	4,543,596	06/03/2014
	4,458,928	12/30/2013
HX3	4,542,912	06/03/2014
	4,462,029	01/07/2014
HALOCIGS	4,543,595	06/03/2014
TRITON	4,529,447	05/13/2014
	4,496,068	03/11/2014
SUBZERO	4,528,242	05/13/2014
ELEVATE YOUR TASTE	86/349495	N/A
TRITON	86/197410	N/A
TORQUE56	86/280557	N/A
NOVA LIQUID	86/280727	N/A
PRIME15	86/280551	N/A
MENTHOLX	86/307596	N/A
AMERICAN BEAUTY	86/293100	N/A
FREEDOM JUICE	86/290066	N/A
BELGIAN COCOA	86/288695	N/A
CAPTAIN JACK	86/288687	N/A

KINGSTON DELIGHT	86/280674	N/A
BLACK BULL	86/280633	N/A
TIKI JUICE	86/278713	N/A
HALOCIGS	86/197349	N/A
HALO	86/196221	N/A
TWISTED JAVA	86/297557	N/A
TURKISH TOBACCO	86/293207	N/A
HAVANA DREAM	86/292002	N/A
ARCTIC MINT	86/297934	N/A
TIMBER	86/290272	N/A
HALO PURITY	86/290170	N/A
COOL MIST	86/290125	N/A
SHAMROCK	86/288834	N/A
CAFÉ MOCHA	86/288709	N/A
TOTAL ECLIPSE	86/280684	N/A
MIGHTY HIT	86/280648	N/A
MIDNIGHT APPLE	85/934030	N/A

SCHEDULE "B"

<u>TRADEMARK</u>	<u>REG./SERIAL NOS.</u>	<u>REGISTRATION DATES</u>
NICOPURE LABS	4,542,918	June 3, 2014
NICOPURE	4,458,857	December 31, 2013
NICOPURE	4,342,014	May 28, 2013
EVO	4,591,059	August 26, 2014
EVO VAPOR	4,483,273	February 18, 2014
EVO VAPOR	86/222425	N/A
EVOPURE	86/165783	N/A

SCHEDULE "C"



I certify the attached is a true and correct copy of the Articles of Organization of NICOPURE LABS, LLC, a limited liability company organized under the laws of the state of Florida, filed on July 28, 2014, as shown by the records of this office.

I further certify the document was electronically received under FAX audit number H14000178461. This certificate is issued in accordance with section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this limited liability company is L14000118275.

Authentication Code: 014A00016147-072914-L14000118275-1/1

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Twenty-ninth day of July, 2014



Ken Detzner
Ken Detzner
Secretary of State

TRADEMARK

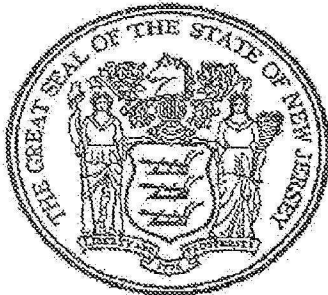
REEL: 005427 FRAME: 0163

SCHEDULE "D"

STATE OF NEW JERSEY
DEPARTMENT OF TREASURY
FILING CERTIFICATION (CERTIFIED COPY)

NICOPURE LABS LIMITED LIABILITY COMPANY

I, the Treasurer of the State of New Jersey,
do hereby certify, that the above named business
did file and record in this department the below
listed document(s) and that the foregoing is a
true copy of the
Certificate of Merger
Filed in this Office
August 28, 2014
as the same is taken from and compared with the
original(s) filed in this office on the date set
forth on each instrument and now remaining on file
and of record in my office.



Certificate Number: 133353786

Verify this certificate online at

https://www1.state.nj.us/TYTR_StandingsCert/TSFVerify_Cert.jsp

IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
my Official Seal at Trenton, this
28th day of August, 2014

A handwritten signature in black ink, appearing to read "Andrew P. Sidamon-Eristoff".

Andrew P. Sidamon-Eristoff
State Treasurer



ARTICLES OF MERGER

FOR

NICOPURE LABS, LLC

The following Articles of Merger are submitted to merge two New Jersey limited liability companies into Nicopure Labs, LLC, a Florida limited liability company, in accordance with Florida Chapter 605.1825, Florida Statutes, and Sections 42:2C-74 through 77 of the New Jersey Revised Uniform Limited Liability Company Act. Nicopure Labs, LLC, a Florida limited liability company, shall be the surviving entity after the merger set forth herein.

The exact name of the merging parties are as follows:

1. Trident Group Limited Liability Company, a New Jersey limited liability company, having a business identification number of 0400313032 (Merged Entity);
2. Nicopure Labs Limited Liability Company, a New Jersey limited liability company, having a business identification number of 0400378118 (Merged Entity);
3. Nicopure Labs, LLC, a Florida limited company, having a business identification number of L14000118275 (Surviving Entity).

4. The merger has been approved by each of the constituent entities signatory hereto. The Surviving Entity has approved the merger in accordance with Chapter 605, Florida Statutes, and in particular, Florida Statute 605.1021 through and including Florida Statute 605.1026. Each of the Merged Entities has approved the merger in accordance with Section 42-2C-75(a) of the New Jersey Revised Uniform Limited Liability Company Act. No member of the Merged Entities or the Surviving Entity will have intestate holder liability under Florida Statute 605.1023(1)(b). The Surviving Entity existed before the merger and remains a Florida entity with no amendments to its public or private records.

5. No member is entitled to appraisal rights notwithstanding the foregoing, each and every member hereby irrevocably waives any claims to any and all appraisal rights which may exist.

6. The registered office of the Surviving Entity is 515 N. Flagler Drive, 20th Floor, West Palm Beach, Florida 33401, Attn: Jerold S. Dees, Esq. The Surviving Entity agrees that it may be served with process in New Jersey in any action, suit or proceeding for the enforcement of any debt, obligation or other liability of a Merged Entity, if before the effective date of the merger the Merged Entity was subject to suit in New Jersey on the debt, obligation or other liability. The Treasurer of the State of New Jersey is hereby appointed as agent to accept service of process in any such action, suit or proceeding, which shall be forwarded to the Surviving Entity at the registered office of the Surviving Entity set forth above in this paragraph.

7. The Plan of Merger is on file at 5909 NW 18th Drive, Gainesville, Florida 32653, the place of business of the Surviving Entity.

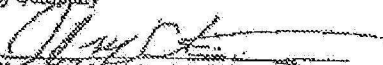
8. The Surviving Entity will furnish a copy of the Plan of Merger to any member or person having an interest in any constituent entity.

Aug. 28, 2014 11:39AM No. 28072009, 4/4/14

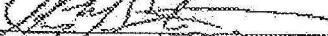
9. The effective date of these Articles of Merger is September 1, 2014, or as soon thereafter as may be permitted under the laws of the state of Florida.

IN WITNESS WHEREOF, the undersigned have executed these Articles of Merger as of the 27th day of August, 2014.

NICOPURE LABS, LLC, a Florida limited liability company

By: 
Jeffrey Stampler, Member-Manager and
sole authorized person

TRIDENT GROUP LIMITED LIABILITY COMPANY, a New Jersey limited liability company

By: 
Jeffrey Stampler, General Manager and
authorized person

NICOPURE LABS LIMITED LIABILITY COMPANY, a New Jersey limited liability company

By: 
Jeffrey Stampler, General Manager and
authorized person